

Application No.: 09/337,113  
Amendment dated: 26 October 2004  
Reply to Office Action mailed: 27 July 2004

### **Remarks**

Prior to this Amendment and Response, claims 1-10, 14-20, and 23-26 were pending in the Application. Herein, claims 1, 5, 15, and 23-26 were amended; claim 27 was added; and no claims were cancelled. Therefore, upon entry of the Amendment, claims 1-10, 14-20, and 23-27 will remain pending in the Application. Entry of this Amendment, reconsideration, and allowance of the pending claims is respectfully requested.

### **Claim Objections – 37 C.F.R. §1.75c**

In paragraph 4 of the Office Action, the Examiner objected to claims 24-26 under 37 C.F.R. §1.75c because they depended from claims 21 and 22, which had previously been cancelled.

In response, Applicant has amended claim to recite their proper dependent relationship from claim 23 (in the case of claim 25, through claim 24). In light of this amendment, Applicant believes that this ground for objection has been overcome.

### **Claim Rejections – 35 U.S.C. §103**

In paragraphs 6-21 of the Office Action, the Examiner rejected claims 1-3, 5-10, 15-19 and 23-25 under 35 U.S.C. §103 as being unpatentable over *Puhl et al.* (U.S. Patent No. 6,223,291) in view of *Sasaki* (U.S. Patent No. 6,155,484).

In response, Applicant has amended independent claims 1 and 15 to more clearly focus on the novel features of the present invention. In claim 1, for example, it is now clearly recited that the downloading controller is resident in the recipient mobile terminal

(see, e.g., the embodiment of Fig. 1). In addition, claim 1 has been reformatted to accentuate the functions of the downloading controller, as that term is used in the claim, namely, permitting the first communication link, determining whether the indicia of creditworthiness exceeds a selected threshold, and effecting the copying of the content *via the first communication link* (which is between two peer devices, the recipient mobile terminal and the provider mobile terminal). An analogous amendment has been made to independent claim 15.

In addition, Applicant respectfully points out that in Fig. 5 of Puhl, the label "AA" refers to an Attribute Authority, which is "an entity that generates certificates assigning attributes to domain members . . . [such as] . . . a mobile telephone manufacturer 404, a book merchant 405, and a wireless software supplier 406." It is not clear how any of these entities could be considered a "peer device" as that term is used in claim 1, even if they were somehow made portable.

And the present invention is not an apparatus of the prior that is simply made portable, as implied by the Examiner. As pointed out in the Specification (at page 3, lines 19-30), an object of the present invention is to permit one user to download content from the terminal of another user (*i.e.*, a peer device) on which it has already been installed. It is difficult to see how the teachings of either *Puhl* or *Sasaki* could be modified to achieve this advantage. *Sasaki*, after all uses a money transporting apparatus 2 (such as a network server) to effect the monetary exchange between two electronic money cards. And of course the present invention does not contemplate exchanging payment between two peer devices, either directly or through a money transporting apparatus.

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Claims 2-3 and 5-10 depend directly or indirectly from claim 1, and claims 16-19 from claim 15, and are therefore also distinguishable from the cited art in light of the amendments and for the reasons explained above.

Regarding claim 23, Applicant respectfully traverses. Although it is not clear what devices are being cited as the first and second peer devices, there are not two (or more) such devices mentioned in *Puhl* Fig. 5. In that reference, col. 5, lines 48-57 discuss a CA (Certificate Authority), which is described as a server that creates and distributes Public Key Certificates. Col. 13, lines 13-61 do discuss a CA, an AA, and a client, but none of these are peer devices exchanging information according to the claimed method. (Nor is the method recited elsewhere in *Puhl*; these portions were recited explicitly in the Office Action.) Independent claim 23 has also been amended, though Applicant suggests in a clarifying rather than limiting fashion.

Claims 23-26, and new claim 27, depend directly or indirectly from claim 23, and are therefore likewise distinguishable.

In light of the amendments and reasons provided above, Applicant respectfully suggests that this ground for rejection has been overcome.

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### Claim Rejections – 35 U.S.C. §103

In paragraphs 22-26 of the Office Action, the Examiner rejected claims 4, 14, 20, and 26 under 35 U.S.C. §103 as being unpatentable over *Puhl et al.* in view of *Sasaki*, and further in view of *Harris et al.* (U.S. Patent No. 6,331,972).

In response, Applicant notes that claims 4, 14, 20, and 26 are dependent directly or indirectly from one of the independent claims 1, 15, and 23, and are therefore distinguishable from the cited art in light of the amendments and for the reasons provided above. For this reason, Applicant respectfully suggests that this ground for rejection has also been overcome.

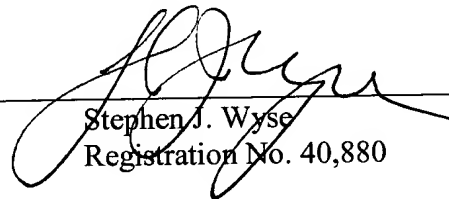
### Conclusion

In light of the foregoing, the pending claims are believed to be in condition for allowance. Accordingly, examination and allowance of pending claims 1-10, 14-20, and 23-27 is respectfully requested.

Respectfully submitted,

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Date: 26 OCT 2004

  
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